

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MICHAEL VERNSEY,

Plaintiff,

-v-

9:20-CV-992

DIANE TOURN and KIM
RICHARDS,

Defendants.

APPEARANCES:

OF COUNSEL:

MICHAEL VERNSEY
Plaintiff, Pro Se
20-A-0850
Collins Correctional Facility
P.O. Box 340
Collins, NY 14034

O'CONNOR, O'CONNOR LAW FIRM ANNE M. HURLEY, ESQ.
Attorneys for Defendants
20 Corporate Woods Boulevard
Albany, NY 12211

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On August 27, 2020, *pro se* plaintiff Michael Vernsey ("plaintiff") filed this 42 U.S.C. § 1983 action alleging that several defendants violated his civil rights while he was incarcerated as a pre-trial detainee at the St. Lawrence

County Jail. Dkt. No. 1. Along with his complaint, plaintiff also sought leave to proceed *in forma pauperis* (“IFP Application”), Dkt. Nos. 2, 3, and moved for the appointment of counsel to assist him, Dkt. No. 4.

On September 30, 2020, this Court granted plaintiff’s IFP Application, denied plaintiff’s motion for counsel, and concluded that plaintiff’s § 1983 medical-indifference claims against defendants Tourn and Richards survived *sua sponte* review and required a response. Dkt. No. 5. Plaintiff’s other claims were dismissed. *Id.* Thereafter, defendants Tourn and Richards answered the complaint, Dkt. No. 12, the parties completed discovery, and defendants moved for summary judgment, Dkt. No. 51.

On February 8, 2023, U.S. Magistrate Judge Andrew T. Baxter advised by Report & Recommendation (“R&R”) that defendants’ motion should be granted and plaintiff’s complaint should be dismissed. Dkt. No. 90. As Judge Baxter explained, plaintiff had failed to establish that his claimed medical condition was objectively sufficiently serious under the governing law. *Id.*

Plaintiff has not filed objections. The time period in which to do so has expired. *See* Dkt. No. 90. Upon review for clear error, the R&R will be accepted and adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

ORDERED that

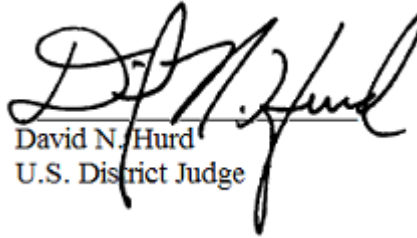
1. The Report & Recommendation is ACCEPTED;

2. Defendants' motion for summary judgment is GRANTED; and
3. Plaintiff's complaint is DISMISSED.

The Clerk of the Court is directed to enter a judgment accordingly.

IT IS SO ORDERED.

Dated: March 3, 2023
Utica, New York.



David N. Hurd
U.S. District Judge